

REMARKS

The Office Action has been reviewed and the Examiner's comments carefully considered. No claims are amended, cancelled, or added. Thus, claims 1-22 remain pending and are submitted for reconsideration.

Rejection based on Desprez.

Claims 1-15 and 20-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,595,543 ("Desprez"). This rejection should be withdrawn because Desprez fails to disclose, teach, or suggest the claimed invention.

For example, claim 1 recites "a plate member having a top surface to be exposed to a vehicle cabin and a back surface, wherein the plate member is configured to be mated with an instrument panel; and ...wherein the back surface of the plate member is configured to make unobstructed contact with the airbag upon deployment." Claims 20-22 recite similar features. Desprez does not disclose or suggest these features. Desprez discloses a plate member 4 and a frame member 6. The Office Action states that the plate member 4 mates with a dashboard or instrument panel. However, the plate member 4 is the dashboard (column 2, lines 61-64 of Desprez) and not a separate part. Thus, the plate member 4 cannot be considered a plate member configured to be mated with an instrument panel because plate member 4 is the instrument panel.

In addition, the Office Action states that the back surface of the plate member 4 is considered to make unobstructed contact with the airbag upon deployment because the portion 30 swings upon the hinge 32 so that the plate member does not block or obstruct the inflation of the airbag. (Paragraph 6 of the Office Action.) However, it is submitted that the language of the claims requires unobstructed contact with the airbag not merely unobstructed inflation of the airbag. Because the portion 30 is disposed between the airbag 9 and the plate member 4, the portion 30 obstructs the contact between the airbag 9 and the plate member 4 upon deployment regardless of how the inflation of the airbag is effected. Thus, Desprez does not anticipate claims 1 and 20-22 and the rejection should be withdrawn.

In addition, claim 21 requires that the airbag does not deform the frame member. The Office Action states that the support member 6 is the frame member (paragraph 2 of the Office Action) but also later states that the frame member should be interpreted as the support member 6 excluding the hinge 32 (paragraph 6 of the Office Action). On the contrary, Desprez states that the support member 6 is manufactured as a single piece (column 3, lines

7-11 of Desprez) and has a flange 22, walls 24, mounting openings 28, a plate 30, and a film hinge 32 (column 3, lines 12-25 of Desprez). In effect, the rejection is based on the interpretation that an integral part of the support member 6 is not actually part of the support member. The Office Action unreasonably states that a fixed integrated portion of a structure can somehow be excluded from being considered part of that structure. Thus, Desprez does not anticipate claim 21 and the rejection should be withdrawn.

Claims 2-15 depend from claim 1 and are allowable therewith for at least the reasons set forth above without regard to the further patentable limitations contained therein.

Reconsideration and withdrawal of the rejection based on Desprez are respectfully requested.

Rejection based on Suzuki and Gardner.

Claims 1 and 6-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,601,870 (“Suzuki”) in view of U.S. Patent 6,753,057 (“Gardner”). This rejection should be withdrawn because any combination of Suzuki and Gardner fails to disclose, teach, or suggest the claimed invention.

For example, claim 1 recites “wherein the back surface of the plate member is configured to make unobstructed contact with the airbag upon deployment.” The Office Action states that the airbag door 12 of Suzuki (i.e., the door panels 13 and 14 sewn into the panel base 11 of the instrument panel 10) is considered to be the plate member while the fixing bracket 26 of Suzuki is considered to be the frame member. Suzuki does not teach that the airbag door 12 is an elastomeric material but the Office Action states that Gardner teaches such a material and such a material is known in the art. (Paragraph 4 of the Office Action.) The Office Action further asserts that the combination discloses a back surface of the plate member that is configured to make unobstructed contact with the airbag upon deployment because the force of the airbag 21 upon deployment acts on the back surface of the door 12 causing the door 12 to open and allows the airbag 21 to inflate therethrough. (Paragraph 6 of the Office Action.) The language of claim 1 calls for unobstructed contact with the airbag not unobstructed inflation of the airbag. Because the movable brackets 27 are disposed between the airbag 21 and the airbag door 12, there is obstructed contact between the airbag 21 and the airbag door 12 upon deployment regardless of how the inflation of the airbag is effected. Thus, the teachings of Suzuki and Gardner do not render claim 1 unpatentable over the prior art and the rejection should be withdrawn.

Claims 6-17 depend from claim 1 and are allowable therewith for at least the reasons set forth above without regard to the further patentable limitations contained therein.

Reconsideration and withdrawal of the rejection based on Suzuki and Gardner are respectfully requested.

Rejection based on Hagen and Gardner.

Claims 1, 6, 13-14, and 18-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,651,562 ("Hagen") in view of Gardner. This rejection should be withdrawn because any combination of Hagen and Gardner fails to disclose, teach, or suggest the claimed invention.

For example, claim 1 recites "wherein the back surface of the plate member is configured to make unobstructed contact with the airbag upon deployment." The Office Action contends that the plate member 62 of Hagen covers an opening of a separately formed frame member 42, as seen in Fig. 1. Hagen does not teach that the plate member 62 is an elastomeric material but it is asserted that Gardner teaches that such a material is known in the art. (Paragraph 5 of the Office Action.) The combination of references does not teach that the back surface of the plate member makes unobstructed contact with the airbag upon deployment because the film cover 52 and the tether strap 90 are disposed between the plate member 62 and the frame member 42. Because the film cover 52 and the tether strap 90 are disposed between the airbag 44 and the plate member 62, there is obstructed contact between the airbag and the plate member regardless of how the airbag inflates. Thus, the teachings of Hagen and Gardner do not render claim 1 unpatentable over the prior art and the rejection should be withdrawn.

Claims 6, 13-14, and 18-19 depend from claim 1 and are allowable therewith for at least the reasons set forth above without regard to the further patentable limitations contained therein.

Reconsideration and withdrawal of the rejection based on Suzuki and Gardner are respectfully requested.

Conclusion

It is believed that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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